

AMENDED IN SENATE MARCH 27, 2003

SENATE BILL

No. 314

Introduced by Committee on Transportation (Senators Murray (Chair), Figueroa, Florez, Karnette, Perata, Scott, Soto, and Torlakson)

February 19, 2003

An act to amend *Section 20351 of the Public Contract Code, to amend Section 99315.8 of, and to add Chapter 6 (commencing with Section 125700) to Division 11.5 of, the Public Utilities Code, to amend Section 10753.7 of the Revenue and Taxation Code, to amend Section 188.8 of the Streets and Highways Code, and to amend Sections 4466, 16000, 16370.5, 16431, 24609, and 27400 of the Vehicle Code, relating to vehicle license fees transportation.*

LEGISLATIVE COUNSEL'S DIGEST

SB 314, as amended, Committee on Transportation. ~~Vehicle license fee adjustment~~ Transportation.

The

(1) Existing law requires the North San Diego County Transit Development Board to award contracts for construction in excess of \$50,000 to the lowest responsible bidder after competitive bidding, except in an emergency.

This bill would make that requirement applicable to contracts in excess of \$10,000.

(2) Existing law creates the San Diego Metropolitan Transit Development Board and the North San Diego County Transit Development Board with various responsibilities to operate and construct transit systems in their service areas. Existing law authorizes the San Diego Metropolitan Transit Development Board to engage in

various financial transactions, including the issuance of revenue bonds and the purchase of transit equipment with equipment trust certificates and other financing mechanisms.

This bill would enact similar provisions applicable to the North San Diego County Transit Development Board.

(3) Existing law creates the North Coast Railroad Authority (NCRA) and provides that transportation funds previously allocated by the California Transportation Commission to the NCRA for certain projects under specified allocation resolutions may be used by NCRA for various related transportation projects.

This bill would also authorize these funds to be used for maintenance of the capital investments made on rail right-of-way owned by NCRA or rail line easements controlled by NCRA, subject to approval of the commission. The bill would authorize the commission to extend otherwise applicable deadlines relating to use of these funds by not more than 20 months under certain conditions. The bill would require NCRA to report to the Department of Transportation on the use of these funds, thereby imposing a state-mandated local program.

(4) The Vehicle License Fee (VLF) Law establishes, in lieu of any ad valorem property tax upon vehicles, an annual license fee for any vehicle subject to registration in this state in the amount of 2% of the market value of that vehicle, as specified. For the purpose of computing the vehicle license fee, the VLF Law requires the Department of Motor Vehicles to determine the market value of a vehicle, as specified, upon the first sale of a new vehicle to a consumer, upon each sale of a used vehicle to a consumer, and on an annual basis to account for depreciation in the vehicle's value. Existing law provides that, if the department adjusts a vehicle's market value before a vehicle's existing vehicle license fee expires, that adjustment will not be reflected until the next annual vehicle license fee becomes due.

This bill would delete an obsolete cross-reference from these provisions.

(5) Existing law requires the California Transportation Commission to program interregional and regional transportation capital improvement projects through the State Transportation Improvement Program process, consistent with estimated available funding. Existing law requires regional improvement projects nominated by regional agencies to be programmed by the commission pursuant to certain formulas, known as the north-south split and county shares. Existing law authorizes the commission, with the consent of the Department of



Transportation, to program projects in a region with a population of not more than 1,000,000 at a level higher or lower than a county share, in order to either build up a reserve for a larger project or advance a future share to the present, with the amount of the reserve or advance credited to or deducted from future programming, as the case may be.

This bill would extend the county share reservation or advance process to any county with a population of not more than 1,000,000.

(6) Existing law prescribes certain restrictions on the issuance by the Department of Motor Vehicles of a copy, duplicate, or substitution of a certificate of title or license plate and requires the registered owner to apply in person and present certain documents.

This bill would modify those restrictions by, among other things, revising the documentation requirements and exempting certain vehicles from those restrictions.

The bill would allow the department to issue one or more license plates to the registered owner or lessee and issue a certificate of title only to the legal owner, or if none, the registered owner.

(7) Existing law authorizes a vehicle to be equipped with white or amber reflectors upon the front of the vehicle that are mounted not lower than 15 inches nor higher than 60 inches.

This bill would authorize a schoolbus to be equipped with a set of 2 devices, with each device in the set consisting of an amber reflector integrated into the lens of an amber light that is otherwise permitted under the Vehicle Code, if the set is mounted with one device on the left side and one on the right side of the vehicle, and with each device at the same level.

(8) Existing law prohibits a person operating a motor vehicle or bicycle from wearing a headset or earplugs in both ears except under specified circumstances, including the wearing of personal hearing protectors in the form of custom earplugs or molds designed to attenuate injurious noise levels.

This bill would revise these provisions.

(9) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~—yes.
State-mandated local program: ~~no~~—yes.

The people of the State of California do enact as follows:

1 SECTION 1. *Section 20351 of the Public Contract Code is*
2 *amended to read:*
3 20351. Contracts for the construction in excess of ~~five~~ *ten*
4 *thousand dollars—(\$50,000) (\$10,000)* shall be awarded to the
5 lowest responsible bidder after competitive bidding, except in *an*
6 emergency declared by the vote of two-thirds of the membership
7 of the board.
8 SEC. 2. *Section 99315.8 of the Public Utilities Code is*
9 *amended to read:*
10 99315.8. All funds from the Public Transportation Account
11 and the State Highway Account, in the State Transportation Fund,
12 previously allocated by the commission for specific track repair
13 and rolling stock acquisitions through resolutions number
14 MFP-95-05, MFP-95-10, MPFP-95-01, MFA-96-01, and
15 MBFA-98-01 shall also be available for expenditure on any form
16 of track improvement project, *or track rehabilitation project, or*
17 ~~rolling stock acquisition project nominated for maintenance of the~~
18 *capital investments made on rail right-of-way owned by the North*
19 *Coast Railroad Authority (NCRA), or on rail line easements*
20 *controlled by NCRA, or for rolling stock acquisition projects*
21 *nominated by NCRA, as approved by the commission. Projects*
22 ~~nominated by the North Coast Railroad Authority NCRA,~~ *for*
23 *which funds in the State Highway Account in the State*
24 *Transportation Fund are to be used, are also required to be eligible*
25 *under Article XIX of the California Constitution. The*
26 *encumbering and expending of funds for—this a project is not*
27 *subject to an additional allocation action or approval action, or*
28 *both actions, by the commission. NCRA shall report to the*
29 *department on the full and timely use of the funds once a project*
30 *is approved by the commission. Time extension requests by NCRA,*
31 *if needed, shall be considered by the commission for allocation*

1 extensions, for project award extensions, and expenditure
 2 extensions. If NCRA, as the responsible agency, finds that an
 3 unforeseen and extraordinary circumstance beyond its control has
 4 occurred that justifies an extension, the commission may extend
 5 the deadline as specified in subdivision (a) of Section 14529.8 of
 6 the Government Code. The deadline extension may not exceed the
 7 period of delay directly attributed to the unforeseen and
 8 extraordinary circumstance and may not be more than 20 months.
 9 The commission may not grant more than one extension to a
 10 project for each type of extension request.

11 SEC. 3. Chapter 6 (commencing with Section 125700) is
 12 added to Division 11.5 of the Public Utilities Code, to read:

13
 14 CHAPTER 6. BONDS AND OTHER EVIDENCES OF INDEBTEDNESS
 15

16 125700. The board may issue bonds, payable from revenue of
 17 any facility or enterprise to be acquired or constructed by the
 18 board, in the manner provided by the Revenue Bond Law of 1941
 19 (Chapter 6 (commencing with Section 54300) of Part 1 of Division
 20 2 of Title 5 of the Government Code), and all of the provisions of
 21 that law are applicable to the board.

22 125701. The board is a local agency within the meaning of the
 23 Revenue Bond Law of 1941 (Chapter 6 (commencing with Section
 24 54300) of Part 1 of Division 2 of Title 5 of the Government Code).
 25 The term “enterprise,” as used in the Revenue Bond Law of 1941,
 26 for all purposes of this chapter, includes the transit system or any
 27 or all transit facilities and all additions, extensions, and
 28 improvements thereto authorized to be acquired, constructed, or
 29 completed by the board.

30 The board may issue revenue bonds under the Revenue Bond
 31 Law of 1941 for any one or more transit facilities authorized to be
 32 acquired, constructed, or completed by the board or for transit
 33 equipment described in Section 125702 authorized to be acquired
 34 by the board or, in the alternative, the board may issue revenue
 35 bonds under the Revenue Bond Law of 1941 for the acquisition,
 36 construction, and completion of any one of those transit facilities
 37 or for transit equipment described in Section 125702 authorized
 38 to be acquired by the board.

39 Nothing in this chapter prohibits the board from availing itself
 40 of, or making use of, any procedure provided in this chapter for the

1 issuance of bonds of any type or character for any of the transit
2 facilities authorized hereunder; and all proceedings may be
3 carried on simultaneously or, in the alternative, as the board may
4 determine.

5 125702. The board may purchase transit equipment such as
6 cars, trolley buses, motorbuses, light rail vehicles, or rolling
7 equipment, and may execute agreements, leases, and equipment
8 trust certificates in the forms customarily used by private
9 corporations engaged in the transit business appropriate to effect
10 the purchase and leasing of transit equipment, and may dispose of
11 the equipment trust certificates upon the terms and conditions that
12 the board may deem appropriate.

13 Payment for transit equipment, or rentals therefor, may be made
14 in installments, and the deferred installments may be evidenced by
15 equipment trust certificates that are or will be legally available to
16 the board. Title to the equipment may not vest in the board until the
17 equipment trust certificates are paid.

18 125703. The agreement to purchase or lease transit
19 equipment may direct the vendor or lessor to sell and assign or
20 lease the transit equipment to a bank or trust company duly
21 authorized to transact business in the state as trustee for the benefit
22 and security of the equipment trust certificates, and may direct the
23 trustee to deliver the transit equipment to one or more designated
24 officers of the board and may authorize the board to
25 simultaneously therewith execute and deliver an installment
26 purchase agreement or a lease of that equipment to the board.

27 125704. The agreements and leases shall be duly
28 acknowledged before a person authorized by law to take
29 acknowledgments of deeds and in the form required for
30 acknowledgment of deeds.

31 The agreements, leases, and equipment trust certificates shall
32 be authorized by resolution of the board and shall contain
33 covenants, conditions, and provisions that may be deemed
34 necessary or appropriate to insure the payment of the equipment
35 trust certificates from any legally available source or sources of
36 funds as may be specified in the certificates.

37 125705. The covenants, conditions, and provisions of the
38 agreements, leases, and equipment trust certificates may not
39 conflict with any trust agreement or similar document securing the
40 payment of bonds, notes, or certificates of the board.

1 125706. *An executed copy of each agreement and lease shall*
2 *be filed in the office of the Secretary of State, for a fee of one dollar*
3 *(\$1) for each copy filed.*

4 *The filing constitutes notice to any subsequent judgment*
5 *creditor or any subsequent purchaser.*

6 125707. *The Improvement Act of 1911 (Division 7*
7 *(commencing with Section 5000) of the Streets and Highways*
8 *Code), the Improvement Bond Act of 1915 (Division 10*
9 *(commencing with Section 8500) of the Streets and Highways*
10 *Code), and the Municipal Improvement Act of 1913 (Division 12*
11 *(commencing with Section 10000) of the Streets and Highways*
12 *Code), are applicable to the board.*

13 125708. *Chapter 1 (commencing with Section 99000) of Part*
14 *11 of Division 10 is applicable to the board.*

15 125709. *The board shall be considered a “local agency,” as*
16 *defined in subdivision (h) of Section 53317 of the Government*
17 *Code, and the provisions of Chapter 2.5 (commencing with Section*
18 *53311) of Part 1 of Division 2 of Title 5 of the Government Code*
19 *are applicable to the board.*

20 125710. *The board shall be considered to be a “local agency”*
21 *as defined in subdivision (f) of Section 6585 of the Government*
22 *Code, and Article 4 (commencing with Section 6584) of Chapter*
23 *5 of Division 7 of Title 1 of the Government Code is applicable to*
24 *the board.*

25 125711. *The board may borrow money in accordance with*
26 *Article 7 (commencing with Section 53820), Article 7.6*
27 *(commencing with Section 53580), or Article 7.7 (commencing*
28 *with Section 53859) of Chapter 4 of Part 1 of Division 2 of Title*
29 *5 of the Government Code.*

30 125712. *The board may borrow money in anticipation of the*
31 *sale of bonds that have been authorized to be issued, but that have*
32 *not been sold and delivered, and may issue negotiable bond*
33 *anticipation notes therefor, and may renew the bond anticipation*
34 *notes from time to time, but the maximum maturity of any bond*
35 *application notes, including the renewals thereof, may not exceed*
36 *five years from the date of delivery of the original bond*
37 *anticipation notes.*

38 *The bond anticipation notes may be paid from any money of the*
39 *board available therefor and not otherwise pledged. If not*
40 *previously otherwise paid, the bond anticipation notes shall be*

1 *paid from the proceeds of the next sale of the bonds of the board*
2 *in anticipation of which they were issued. The bond anticipation*
3 *notes may not be issued in any amount in excess of the aggregate*
4 *amount of bonds that the board has not been authorized to issue,*
5 *less the amount of any bonds of the authorized issue previously*
6 *sold, and also less the amount of other bond anticipation notes*
7 *therefor issued and then outstanding.*

8 *The bond anticipation notes shall be issued and sold in the same*
9 *manner as the bonds. The bond anticipation notes and the*
10 *resolution or resolutions authorizing them may contain any*
11 *provisions, conditions, or limitations that a resolution of the board*
12 *authorizing the issuance of bonds may contain.*

13 *125713. The board may issue negotiable promissory notes*
14 *pursuant to this section to acquire funds for any board purposes.*
15 *The maturity of the promissory notes may not be later than five*
16 *years from the date thereof. Those notes shall bear interest at a rate*
17 *not to exceed 12 percent per year. Those notes shall be payable*
18 *from any source of revenue available to the board.*

19 *125714. The board may bring an action to determine the*
20 *validity of any of its bonds, equipment trust certificates, warrants,*
21 *notes, or other evidences of indebtedness pursuant to Chapter 9*
22 *(commencing with Section 860) of Title 10 of Part 2 of the Code*
23 *of Civil Procedure.*

24 *125715. All bonds and other evidences of indebtedness issued*
25 *by the board under this chapter, and the interest thereon, are free*
26 *and exempt from all taxation within the state, except for transfer,*
27 *franchise, inheritance, and estate taxes.*

28 *125716. Notwithstanding any other provisions of this division*
29 *or of any other law, the provisions of all ordinances, resolutions,*
30 *and other proceedings in the issuance by the board of any bonds,*
31 *bonds with a pledge of revenues, bonds for any and all evidences*
32 *of indebtedness or liability constitute a contract between the board*
33 *and the holders of the bonds, equipment trust certificates, notes,*
34 *or evidences of indebtedness or liability, and the provisions thereof*
35 *are enforceable against the board or any or all of its successors or*
36 *assigns, by mandamus or any other appropriate suit, action, or*
37 *proceeding in law or in equity in any court of competent*
38 *jurisdiction.*

39 *Nothing in this division or in any other law relieves the board*
40 *or the territory included within it from any bonded or other debt*

1 *or liability contracted by the board. Upon dissolution of the board*
2 *or upon withdrawal of territory therefrom, that territory formerly*
3 *included within the board, or withdrawn therefrom, shall continue*
4 *to be liable for the payment of all bonded and other indebtedness*
5 *or liabilities outstanding at the time of the dissolution or*
6 *withdrawal as if the board had not been so dissolved or the*
7 *territory withdrawn therefrom, and it shall be the duty of the*
8 *successors or assigns to provide for the payment of the bonded and*
9 *other indebtedness and liabilities.*

10 *Except as may be otherwise provided in the proceedings for the*
11 *authorization, issuance, and sale of any revenue bonds, bonds*
12 *secured by a pledge of revenues, or bonds for improvement districts*
13 *secured by a pledge of revenues, revenues of any kind or nature*
14 *derived from any revenue-producing improvements, works,*
15 *facilities, or property owned, operated, or controlled by the board*
16 *shall be pledged, charged, assigned, and have a lien thereon for*
17 *the payment of the bonds as long as they are outstanding,*
18 *regardless of any change in ownership, operation, or control of the*
19 *revenue-producing improvements, works, facilities, or property*
20 *and it shall, in any later event or events, be the duty of the*
21 *successors or assigns to continue to maintain and operate the*
22 *revenue-producing improvements, works, facilities, or property as*
23 *long as bonds are outstanding.*

24 *SEC. 4. Section 10753.7 of the Revenue and Taxation Code*
25 *is amended to read:*

26 10753.7. (a) Upon the sale or transfer of ownership of a used
27 vehicle currently registered in this state, if any license fee due
28 thereon has already been paid, no adjustment of the current year
29 license fee shall be made.

30 (b) Any adjustment of vehicle license fees, based upon a
31 redetermination of market value pursuant to subdivision (a) of
32 Section 10753 and modification of vehicle license fee
33 classification pursuant to Section 10753.2, shall occur upon the
34 expiration of current registration and shall be reflected in the fees
35 due for the first renewal of registration following the sale or
36 transfer of ownership of that used vehicle.

37 *SEC. 5. Section 188.8 of the Streets and Highways Code is*
38 *amended to read:*

39 188.8. (a) From the funds programmed pursuant to Section
40 188 for regional improvement projects, the commission shall

1 approve programs and program amendments, so that funding is
2 distributed to each county of County Group No. 1 and in each
3 county of County Group No. 2 during the county share periods
4 commencing July 1, 1997, and ending June 30, 2004, and each
5 period of four years thereafter. The amount shall be computed as
6 follows:

7 (1) The commission shall compute, for the county share
8 periods all of the money to be expended for regional improvement
9 projects in County Groups Nos. 1 and 2, respectively, as provided
10 in Section 188.

11 (2) From the amount computed for County Group No. 1 in
12 paragraph (1) for the county share periods the commission shall
13 determine the amount of programming for each county in the
14 group based on a formula ~~which~~ *that* is based 75 percent on the
15 population of the county to the total population of County Group
16 No. 1 and 25 percent on state highway miles in the county to the
17 total state highway miles in County Group No. 1.

18 (3) From the amount computed for County Group No. 2 in
19 paragraph (1) for the county share periods the commission shall
20 determine the amount of programming for each county in the
21 group based on a formula ~~which~~ *that* is based 75 percent on the
22 population of the county to the total population of County Group
23 No. 2 and 25 percent on state highway miles in the county to the
24 total state highway miles in County Group No. 2.

25 (b) Notwithstanding subdivision (a), that portion of the county
26 population and state highway mileage in El Dorado and Placer
27 Counties that is included within the jurisdiction of the Tahoe
28 Regional Planning Agency shall be counted separately toward the
29 area under the jurisdiction of the Tahoe Regional Transportation
30 Agency and ~~shall~~ *may* not be included in El Dorado and Placer
31 Counties. The commission shall approve programs, program
32 amendments, and fund reservations for the area under the
33 jurisdiction of the Tahoe Regional Transportation Agency ~~which~~
34 *that* shall be calculated using the formula described in paragraph
35 (2) of subdivision (a).

36 (c) A transportation planning agency designated pursuant to
37 Section 29532 of the Government Code, or a county transportation
38 commission created by Division 12 (commencing with Section
39 130000) of the Public Utilities Code, may adopt a resolution to
40 pool its county share programming with any county or counties

adopting similar resolutions to consolidate its county shares for two consecutive county share periods into a single share covering both periods. A multicounty transportation planning agency with a population of less than three million may also adopt a resolution to pool the share of any county or counties within its region. The resolution shall provide for pooling the county share programming in any of the pooling counties for the new single share period and shall be submitted to the commission not later than May 1 immediately preceding the commencement of the county share period.

(d) For the purposes of this section, funds programmed shall include the following costs pursuant to subdivision (b) of Section 14529 of the Government Code:

(1) The amounts programmed or budgeted for both components of project development in the original programmed year.

(2) The amount programmed for right-of-way in the year programmed in the most recent state transportation improvement program. If the final estimate is greater than 120 percent or less than 80 percent of the amount originally programmed, the amount shall be adjusted for final expenditure estimates at the time of right-of-way certification.

(3) The engineer's final estimate of project costs, including construction engineering, presented to the commission for approval pursuant to Section 14533 of the Government Code in the year programmed in the most recent state transportation improvement program. If the construction contract award amount is less than 80 percent of the engineer's final estimate, excluding construction engineering, the department shall notify the commission and the commission may adjust its project allocation accordingly.

(4) Project costs shown in the program, as amended, where project allocations have not yet been approved by the commission, escalated to the date of scheduled project delivery.

(e) Project costs ~~shall~~ may not be changed to reflect any of the following:

(1) Differences that are within 20 percent of the amount programmed for actual project development cost.

(2) Actual right-of-way purchase costs.

(3) Construction contract award amounts, except when those amounts are less than 80 percent of the engineer's final estimate, excluding construction engineering, and the commission has adjusted the project construction allocation.

(4) Changes in construction expenditures, except for supplemental project allocations made by the commission.

(f) For the purposes of this section, the population in each county is that determined by the last preceding federal census, or a subsequent census validated by the Population Research Unit of the Department of Finance, at the beginning of each county share period.

(g) For the purposes of this section, "state highway miles" means the miles of state highways open to vehicular traffic at the beginning of each county share period.

(h) It is the intent of the Legislature that there is to be flexibility in programming under this section and Section 188 so that, while ensuring that each county will receive an equitable share of state transportation improvement program funding, the types of projects selected and the programs from which they are funded may vary from county to county.

(i) Commencing with the four-year period commencing on July 1, 2004, individual county share shortfalls and surpluses at the end of each four-year period, if any, shall be carried forward and credited or debited to the following four years.

(j) The commission, with the consent of the department, may consider programming projects in the state transportation improvement program in a ~~region~~ *county* with a population of not more than 1,000,000 at a level higher or lower than ~~a~~ *the* county share, when the regional agency either asks to reserve part or all of ~~its~~ *the county's* share until a future programming year, to build up a larger share for a higher cost project, or asks to advance an amount of the share, in an amount not to exceed 200 percent of ~~its~~ *the county's* current share, for a larger project, to be deducted from shares for future programming years. After consulting with the department, the commission may adjust the level of programming in the regional program in the affected region against the level of interregional programming in the improvement program to accomplish the reservation or advancement, for the current state transportation improvement program. The commission shall keep track of any resulting shortfalls or surpluses in county shares.

(k) Notwithstanding subdivision (a), in a region defined by Section 66502 of the Government Code, the transportation planning agency may adopt a resolution to pool the county share of any county or counties within the region, ~~provided that if~~ each county ~~shall receive~~ receives no less than 85 percent and not more than 115 percent of its county share for a single county share period and 100 percent of its county share over two consecutive county share periods. The resolution shall be submitted to the commission not later than May 1, immediately preceding the commencement of the county share period.

(l) Federal funds used for federal demonstration projects that use federal obligational authority otherwise available for other projects shall be subtracted from the county share of the county where the project is located.

SEC. 6. Section 4466 of the Vehicle Code is amended to read:

4466. (a) The department ~~shall~~ may not issue a ~~copy, duplication, or substitution of a duplicate or substitute~~ certificate of ~~ownership~~ title or license plate if, after a search of the records of the department, the registered owner's address, as submitted ~~with on the application for that document~~, is different from that which appears in the records of the department, unless the registered owner applies ~~for that document~~ in person and presents all of the following:

(1) Proof of ownership of the vehicle that is acceptable to the department. *Proof of ownership may be the certificate of title, registration certificate, or registration renewal notice, or a facsimile of any of those documents, if the facsimile matches the vehicle record of the department.*

(2) A driver's license or identification card containing a picture of the licensee or cardholder issued to the registered owner by the department pursuant to Chapter 1 (commencing with Section 12500) of Division 6. The department shall conduct a search of its records to verify the authenticity of any document submitted under this paragraph.

(A) *If the registered owner is a resident of another state or country, the registered owner shall present a driver's license or identification card issued by that state or country. In addition, the registered owner shall provide photo documentation in the form of a valid passport, military identification card, identification card issued by a state or United States government agency, student*

1 *identification card issued by a college or university, or*
2 *identification card issued by a California-based employer. If a*
3 *resident of another state is unable to present the required photo*
4 *identification, the department shall verify the authenticity of the*
5 *driver's license or identification card by contacting the state that*
6 *issued the driver's license or identification card.*

7 *(B) If the registered owner is not an individual, the person*
8 *submitting the application shall submit the photo identification*
9 *required under this paragraph, as well as documentation*
10 *acceptable to the department that demonstrates that the person is*
11 *employed by the registered owner.*

12 *(3) If the application is for the purpose of replacing a certificate*
13 *or license plate that was stolen, a copy of a police report identifying*
14 *the document plate as stolen.*

15 *(4) If the application is for the purpose of replacing a certificate*
16 *of title or license plate that was mutilated or destroyed, the*
17 *remnants of the mutilated or destroyed document or plate.*

18 *(5) If the department has a record of a prior issuance of a copy,*
19 *duplication, or substitution of a certificate or duplicate or*
20 *substitute certificate of title or license plate for the vehicle within*
21 *the past 90 days, a copy of a report from the Department of the*
22 *California Highway Patrol verifying the vehicle identification*
23 *number of the vehicle.*

24 *(b) Subdivision (a) does not apply if the any of the following*
25 *apply:*

26 *(1) The registered owner's name, address, and driver's license*
27 *or identification card number submitted on the application match*
28 *the name, address, and driver's license or identification card*
29 *number contained in the department's registration record for that*
30 *vehicle, or if an records.*

31 *(2) An application for a duplicate or substitute certificate of*
32 *title or license plate is submitted by or through a legal owner, if the*
33 *legal owner is not the same as the registered owner, a dealer, a*
34 *dismantler, an insurer, an agent of the insurer, or a salvage pool.*

35 *(3) The vehicle is registered under the International*
36 *Registration Plan pursuant to Section 8052 or under the*
37 *Permanent Fleet Registration program pursuant to Article 9.5*
38 *(commencing with Section 5301) of Chapter 1.*

(4) *The vehicle is an implement of husbandry, as defined in Section 36000, or a tow dolly, or has been issued an identification plate under Section 5014 or 5014.1.*

(c) *The department shall issue one or more license plates only to the registered owner or lessee. The department shall issue the certificate of title only to the legal owner, or if none, then to the registered owner, as shown on the department's records.*

SEC. 7. *Section 16000 of the Vehicle Code is amended to read:*

16000. (a) *The driver of every a motor vehicle who is in any manner involved in an accident originating from the operation of a the motor vehicle on any a street or highway, or any is involved in a reportable off-highway accident, as defined in Section 16000.1, that has resulted in damage to the property of any one person in excess of seven hundred fifty dollars (\$750), or in bodily injury, or in the death of any person shall report the accident, within 10 days after the accident, report the accident, either personally or through an insurance agent, broker, or legal representative, on a form approved by the department, to the office of the department at Sacramento, subject to the provisions of this chapter. The driver shall identify on the form, by name and current residence address, if available, any person involved in the accident complaining of bodily injury.*

(b) *A report is not required pursuant to under subdivision (a) if the motor vehicle involved in the accident was owned or leased by, or under the direction of, the United States, this state, another state, or a local agency.*

(c) *If none of the parties involved in an accident has reported the accident to the department under this section within one year following the date of the accident, the department is not required to file a report on the accident and the driver's license suspension requirements of Section 16004 or 16070 do not apply.*

SEC. 8. *Section 16370.5 of the Vehicle Code is amended to read:*

16370.5. *The department shall suspend the privilege of any person to operate a motor vehicle as specified in Section 116.870 116.880 of the Code of Civil Procedure. Except as provided in this section, an action brought under Section 116.870 116.880 of the Code of Civil Procedure shall is not be governed by Chapter 2 (commencing with Section 16250) of Division 7.*

SEC. 9. *Section 16431 of the Vehicle Code is amended to read:*

1 16431. (a) Proof of financial responsibility may be given by
2 the written certificate or certificates of any insurance carrier duly
3 authorized to do business within the state, that it has issued to or
4 for the benefit of the person named therein a motor vehicle liability
5 policy as defined in Section 16450, an automobile liability policy
6 as defined in Section 16054, or any other liability policy issued for
7 vehicles with less than four wheels that meets the requirements of
8 Section 16056, which, at the date of the certificate or certificates,
9 is in full force and effect. Except as provided in subdivision (b),
10 the certificate or certificates issued under any liability policy set
11 forth in this section shall be accepted by the department and satisfy
12 the requirements of proof of financial responsibility of this
13 chapter. Nothing in this chapter requires that an insurance carrier
14 certify that there is coverage broader than that provided by the
15 actual policy issued by the carrier.

16 (b) The department shall require that a person whose driver's
17 license has been revoked, suspended, or restricted pursuant to
18 *under* Section 13350, 13351, 13352, 13353, 13353.2, 13353.3,
19 13353.6, 13353.7, *or* 16370, ~~or 16370.5~~ provide, as proof of
20 financial responsibility, a certificate or certificates ~~which that~~
21 covers all motor vehicles registered to the person before
22 reinstatement of his or her driver's license.

23 (c) Subdivision (b) does not apply to vehicles in storage if the
24 current license plates and registration cards are surrendered to the
25 department in Sacramento.

26 (d) (1) A resident of another state may provide proof of
27 financial responsibility when required to do so under this code
28 from a company authorized to do business in that person's state of
29 residence, if that proof is satisfactory to the department, covers the
30 operation of a vehicle in this state, and meets the minimum
31 coverage limit requirements specified in Section 16056.

32 (2) If the person specified in paragraph (1) becomes a resident
33 of this state during the period that the person is required to
34 maintain proof of financial responsibility with the department, the
35 department ~~shall~~ *may* not issue or return a driver's license to that
36 person until the person files a written certificate or certificates, as
37 authorized under subdivision (a), that meets the minimum
38 coverage limit requirements specified in Section 16056 and covers
39 the period during which the person is required to maintain proof
40 of financial responsibility.

SEC. 10. Section 24609 of the Vehicle Code is amended to read:

24609. ~~Any~~ (a) A vehicle may be equipped with white or amber reflectors ~~upon the front of the vehicle, but they shall be that are mounted not lower than on the front of the vehicle at a height of 15 inches not higher or more, but not more than 60 inches from the ground.~~

(b) A schoolbus may be equipped with a set of two devices, with each device in the set consisting of an amber reflector integrated into the lens of an amber light that is otherwise permitted under this code, if the set is mounted with one device on the left side and one on the right side of the vehicle, and with each device at the same level.

SEC. 11. Section 27400 of the Vehicle Code is amended to read:

27400. ~~No~~ A person operating ~~any~~ a motor vehicle or bicycle ~~shall may not wear any~~ a headset covering, or ~~any~~ earplugs in, both ears. ~~The This prohibition of this section~~ does not apply to any of the following:

(a) ~~Persons~~ A person operating authorized emergency vehicles, as defined in Section 165.

(b) ~~Any~~ A person engaged in the operation of either special construction equipment or equipment for use in the maintenance of any highway.

(c) ~~Any~~ A person engaged in the operation of refuse collection equipment who is wearing a safety headset or safety earplugs.

(d) ~~Any~~ A person wearing personal hearing protectors in the form of custom earplugs or molds that are *specifically* designed to attenuate injurious noise levels. The ~~custom~~ plugs or molds shall be designed in a manner so as to not inhibit the wearer's ability to hear a siren or horn from an emergency vehicle or a horn from another motor vehicle.

(e) ~~Any~~ A person using a prosthetic device ~~which~~ that aids the hard of hearing.

SEC. 12. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the

- 1 *claim for reimbursement does not exceed one million dollars*
- 2 *(\$1,000,000), reimbursement shall be made from the State*
- 3 *Mandates Claims Fund.*

